

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL LEE THORNBERRY,

Plaintiff,

v.

WILEY,

Defendant.

Case No. 1:20-cv-00328-SKO (PC)

**ORDER REGARDING STIPULATION
FOR VOLUNTARY DISMISSAL WITH
PREJUDICE**

(Doc. 35)

Plaintiff Daniel Lee Thornberry is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983.

Following a settlement conference held February 3, 2022, before Magistrate Judge Erica P. Grosjean, and pursuant to the minutes for that proceeding, the parties agreed to settle the matter. Dismissal documents were to be filed within 60 days. (ECF No. 34.)

On March 7, 2022,¹ counsel for Defendant Wiley filed a Stipulation for Voluntary Dismissal with Prejudice. The stipulation is signed and dated by Plaintiff Daniel Lee Thornberry and Joshua S. Shuster, counsel for Defendant A. Wiley, and indicates that each party shall bear its

¹ On March 8, 2022, a Motion for Status Conference was filed by Plaintiff. (Doc. 36.) Plaintiff indicates that at the time of the signing of the motion, he had not yet received dismissal documents, thus he sought a status conference. (*Id.*) However, the Court notes Plaintiff signed his motion on February 27, 2022, two days *prior* to executing the stipulation for voluntary dismissal. Thus, Plaintiff's motion for a status conference is moot as the parties have subsequently agreed to the dismissal of this action. No further action on Plaintiff's motion will be taken as a result.

own litigation costs and attorney's fees.

Accordingly, this action is terminated by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of the Court is directed to terminate all pending motions and deadlines and to close this case.

IT IS SO ORDERED.

Dated: **March 8, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE